United Nations Convention on the Law of the Sea CLCS/32

Commission on the Limits of the Continental Shelf

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Tenth session
New York, 25 March-12 April 2002

Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The tenth session of the Commission on the Limits of the Continental Shelf was held at United Nations Headquarters, New York, from 25 March to 12 April 2002, pursuant to its decision taken at the ninth session (CLCS/29, para. 23) and paragraph 20 of General Assembly resolution 56/12 of 28 November 2001.

2. The following 14 members of the Commission attended the session: Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Peter F. Croker, Noel Newton St. Claver Francis, Kazuchika Hamuro, Karl H. F. Hinz, Yuri Borisovitch Kazmin, Iain C. Lamont, Wenzheng Lu, Yong Ahn Park and Daniel Rio. Ali Ibrahim Beltagy, Samuel Sona Betah, Andre Chan Chim Yuk, A. Bakar Jaafar, Mladen Juračić, Chisengu Leo Mdala and Krishna-Swami Ramachandran Srinivasan did not attend the session.

3. The Commission had before it the following documents:

- Provisional agenda (CLCS/L.13), which, after it was adopted with amendments, was reissued (CLCS/30);
- Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf (CLCS/11 and Corr.1; CLCS/11/Add.1 and Corr.1);
- Basic flowchart for preparation of a submission of a coastal State to the Commission on the Limits of the Continental Shelf (CLCS/22);
- Outline for a five-day training course for delineation of the outer limits of the continental shelf beyond 200 nautical miles and for preparation of a submission of a coastal State to the Commission on the Limits of the Continental Shelf (CLCS/24 and Corr.1);
- Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission (CLCS/29).

4. For a part of its tenth session, the Commission was unable to establish the quorum required by its Rules of Procedure. In that connection, the Commission expressed its deep concern with the attendance at the sessions of the Commission and requested the Secretariat to convey that concern to the States Parties.

5. When the required quorum was achieved, the session was opened by the Chairman, Mr. Yuri B. Kazmin, who pointed out that the main task before the Commission was to consider the submission of the Russian Federation.

6. The Under-Secretary-General for Legal Affairs, the Legal Counsel, Mr. Hans Corell, then addressed the session. In his statement, he noted, among other things, that with the Commission's first consideration of a

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submission by a coastal State, the Commission was entering another phase of the implementation of the United Nations Convention on the Law of the Sea. It would now experience the practical opportunities and challenges involved in the application of the provisions of article 76. Mr. Corell further said that the work was to be carried out in strictest confidentiality and with the utmost integrity, and that he firmly believed that the results of the examination of the submission would stand the test of global scrutiny.

7. The Chairman proposed, with reference to inter-sessional consultations, to amend the provisional agenda and substitute the item "Consideration by the Commission of the submission made by the Russian Federation" for items 4 and 5 on the same subject in the provisional agenda. Also, it was suggested to insert in the agenda an item concerning the issue of training. Those proposals were accepted. In addition, it was decided to defer to the eleventh session of the Commission, to be held in June 2002, the consideration of all other matters proposed by the members of the Commission for inclusion in the agenda of the tenth session, including the proposals by Mr. Osvaldo Astiz concerning rules 44 (Submission by a coastal State) and 51 (Attendance by the coastal State at examination of submission) of the Rules of Procedure of the Commission (CLCS/3/Rev.3). The agenda was then adopted as amended (CLCS/30).

8. The Commission decided to address the issue of the organization of work after having heard the presentation of the submission made by the Russian Federation and after considering the workload required to examine the submission.

9. Mr. Yong Ahn Park, Vice-Chairman, took the Chair for the part of the meeting dealing with the consideration of the submission of the Russian Federation. The representatives of the Russian Federation were invited to attend the relevant proceedings of the session to present the submission to the Commission.

10. The presentation of the submission of the Russian Federation was made by Mr. Ivan Gloumov, Deputy Minister for Natural Resources of the Russian Federation, accompanied by a delegation of experts from the submitting State. Following the presentation, the representative of the Russian Federation was invited by the Chair to state the position of his Government regarding the communications addressed to the Secretary-General by Canada, Denmark, Japan, Norway and the United States of America, which had been circulated by the Secretariat to all members of the Commission as well as to all States. He stated that the Russian Federation did not regard any of those communications as an impediment to the consideration of the submission. A question-and-answer period followed.

11. The members of the Commission expressed their appreciation to the representatives of the Russian Federation for the detailed presentation. They took note of the offer to make available experts from the Russian Federation to answer any questions the Commission or its Subcommission might have during the subsequent examination of the submission and to invite, if so required, members of the Commission to visit the Russian Federation with a view to examining its relevant databases in situ.

12. The Commission then resumed its session in order to address the modalities for the consideration of the submission. They took note, in particular, of article 5 of Annex II to the United Nations Convention on the Law of the Sea, which reads:

> "*Article 5*
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> "Unless the Commission decides otherwise, the Commission shall function by way of subcommissions composed of seven members, appointed in a balanced manner taking into account the specific elements of each submission by a coastal State. Nationals of the coastal State making the submission who are members of the Commission and any Commission member who has assisted a coastal State by providing scientific and technical advice with respect to the delineation shall not be a member of the subcommission dealing with that submission but has the right to participate as a member in the proceedings of the Commission concerning the said submission. The coastal State which has made a submission to the Commission may send its representatives to participate in the relevant proceedings without the right to vote."

13. After deliberation, the Commission decided that the most efficient way to address the submission would be through establishing a subcommission, as provided for in the Convention and the Rules of Procedure of the Commission.

14. The Commission then discussed whether any other members of the Commission, in addition to nationals of the coastal State making the submission as well as Commission members who had assisted a coastal State by providing scientific and technical advice, should be deemed ineligible, owing to a potential conflict of interest. Reference was made, inter alia, to rule 41 of the Rules of Procedure, in particular its paragraph 1, which reads:

> "1. Unless the Commission decides otherwise, the Commission shall, for the consideration of each submission, establish in a balanced manner a subcommission composed of seven of its members, taking into account the following factors:
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> (a) The specific elements of each submission;
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> (b) The position of States with opposite or adjacent coasts; and
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> (c) Any dispute between States regarding the submission."

15. It was decided that, in order to ensure the highest possible integrity of the proceedings, the members of the Commission who were nationals of a State with opposite or adjacent coasts, or of a State which might have a dispute with the submitting State regarding the submission, should not be selected as members of the Subcommission.

16. Following informal consultations and taking into account the specific elements of the submission as well as the need to ensure, to the extent possible, a balanced scientific and geographical representation, the following seven members of the Commission were nominated: Alexandre Tagore Medeiros de Albuquerque, Lawrence Folajimi Awosika, Galo Carrera Hurtado, Peter F. Croker, Karl H. F. Hinz, Iain C. Lamont and Yong Ahn Park. The composition of the Subcommission for the consideration of the Russian submission was then approved by consensus.

17. The Commission confirmed that the Subcommission should be guided in its work, inter alia, by the document entitled "Internal procedure of the subcommission of the Commission on the Limits on the Continental Shelf" (CLCS/L.12), adopted at its ninth session (CLCS/29, para. 9). It was also decided that the Subcommission would use English as its working language.

18. It was agreed that the procedure followed in establishing the subcommission for consideration of the Russian submission should serve as a model, mutatis mutandis, for the establishment of subsequent subcommissions.

19. The Commission requested the members of the Subcommission to meet with a view to electing its officers and to providing, based on a preliminary examination of the submission, a time estimate for the consideration of the submission by the Subcommission.

20. At a resumed plenary session of the Commission, it was announced that the Subcommission had elected Galo Carrera Hurtado as its Chairperson, Karl H. F. Hinz as its Vice-Chairperson, and Peter F. Croker as the Rapporteur. The Chairperson of the Subcommission, Mr. Carrera, then informed the Commission that the Subcommission had proceeded with its first examination of the submission and the data accompanying it. The Subcommission had reached a unanimous conclusion that, owing to the volume and complexity of data, it might not be in a position to analyse and conclude consideration of the submission and then to prepare its recommendations to the Commission within the time allocated to the tenth session of the Commission in April. He conveyed to the Commission the recommendation of the Subcommission, according to which the latter would continue its discussion of substantive issues during the remaining two weeks and reconvene for another week from 10 to 14 June 2002 with a view to finalizing its work.

21. In view of that statement, the Commission then addressed the agenda item related to the organization of its work. It decided, inter alia, to conclude the plenary part of its tenth session on 28 March 2002, on the understanding that the remaining time allocated to the session, which would end on 12 April 2002, would be used by the Subcommission for its consideration of the submission of the Russian Federation.

22. With respect to the agenda item on training issues, the Commission resumed its discussion which had commenced at the seventh and eighth sessions and continued at the ninth session (CLCS/29, paras. 11-16).

23. On the basis of information provided by the Secretary of the Commission, the Commission agreed on the basic parameters of the cost estimates for the five-day training course in Jamaica for 30 participants (see CLCS/24), amounting to a total of US$ 124,900.

24. The Commission requested the Secretariat to prepare and publish a comprehensive course manual designed for the delivery of the training course outlined in document CLCS/24. It recommended that the course manual should be based on document CLCS/24 and the documents of the Commission referred to therein, and that it should cover all topics specified in the table entitled "Five-day training course: detailed outline" contained in the annex to document CLCS/24. The Commission also recommended that the format of the course manual should be a full integration of teaching slides and accompanying text. The Commission left the funding, the organization of work and the selection of expert authors to the discretion of the Secretariat, as the Commission had no mandate to conduct or organize training (CLCS/24, para. 11).

25. In the context of training initiatives, Mr. Alexandre Albuquerque informed the Commission that Brazil had offered a "Training Course on the Delineation of the Outer Limits of the Continental Shelf beyond 200 Nautical Miles", which had been held at Rio de Janeiro from 4 to 8 March 2002. Thirty participants from 24 developing countries of Africa, Asia and Latin America and the Caribbean had attended at the invitation of the Government of Brazil, which had defrayed all the expenses connected with the course.

26. It was announced that the eleventh session of the Commission would be held in New York from 24 to 28 June 2002.

27. In view of the forthcoming end of the term of office of all the members of the Commission, the Commission expressed its heartfelt thanks especially to those members who had not been nominated for a second term, namely to Ali Ibrahim Beltagy, Andre Chan Chim Yuk, Kazuchika Hamuro, Karl H. F. Hinz, Iain C. Lamont, Chisengu Leo Mdala, Daniel Rio and Krishna-Swami Ramachandran Srinivasan. The Commission extended its special good wishes and appreciation to Andre Chan Chim Yuk and Chisengu Leo Mdala. It also congratulated Mr. Galo Carrera on his election to the Legal and Technical Commission of the International Seabed Authority.

28. The Commission further noted with great sadness the passing of Ms. Elisabeth Mann-Borghese, who had dedicated her life to the cause of the oceans.

29. Finally, the Commission renewed its appreciation to the staff of the Division for Ocean Affairs and the Law of the Sea, as well as to the interpreters, translators and other staff for the assistance and services provided during the current session, as well as during the entire first term of office of the members. It also offered its congratulations to the Secretary-General and to the staff of the Organization on the well-deserved award of the Nobel Peace Prize.

30. After the adjournment of the plenary of the Commission, the Subcommission continued its work through 12 April, the end of the tenth session of the Commission. The Subcommission met twice daily and convened 20 meetings. Six afternoon meetings were devoted to consultations in the form of questions and answers between members of the Subcommission and the experts of the delegation of the Russian Federation who had presented their country's submission during the previous week to the plenary of the Commission.

31. A number of points of clarification were sought from members of the Russian delegation and additional data and information were requested. Some of the requested material was submitted during the session and the representatives of the submitting State committed themselves to presenting additional data and information by mid-May, so that at its next meeting the Subcommission could continue the preparation of its recommendations to the Commission in accordance with article 6 (1) of Annex II to the Convention.

32. Upon the recommendation of some members of the Subcommission, the Division for Ocean Affairs and the Law of the Sea organized a visit to the Lamont-Doherty Earth Observatory in Palisades, New York, where several of its members examined the SCICEX-1999 data in the Ocean Drilling Program Data Bank in order to review recent data containing several seismic tracklines and multi-channel seismic and swath bathymetry data.

33. Furthermore, the staff of the Division provided, inter alia, the technical infrastructure and technical assistance for the Subcommission by preparing and plotting illustrative maps, created on the basis of the data contained in the submission of the Russian Federation, and assisted in preparing the diagrams and tables for the assessment of the submission.

34. The members of the Subcommission expressed their great satisfaction with the technical preparedness of the Division and with the availability of state-of the-art technical equipment, which was used to full advantage by the members in their assessment of the

submission. The technical premises set aside for the Subcommission for the examination of the submission were very well situated, allowing the members efficient access to the technical secretariat, the conference facilities and the library of the Division.

35. The Subcommission decided to reconvene from 10 to 14 June 2002 before the expiration of the term of office of the current membership of the Commission on 15 June 2002. Upon the completion of its work, the Subcommission will submit its recommendations through the United Nations Secretariat to the newly elected membership of the Commission, which will hold the eleventh session of the Commission from 24 to 28 June 2002 (General Assembly resolution 56/12, para. 20).